

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA,)	
)	
Plaintiff,)	
)	
v.)	No. 05-CV-329-GKF(SAJ)
)	
TYSON FOODS, INC., et al.,)	
)	
Defendants.)	

**STATE OF OKLAHOMA'S OPPOSED APPLICATION FOR EXTENSION OF TIME
WITHIN WHICH TO PRODUCE PRIVILEGED DOCUMENTS
AND REVISED PRIVILEGE LOG**

Expedited consideration requested.

COMES NOW, the Plaintiff, the State of Oklahoma, ex rel. W.A. Drew Edmondson, in his capacity as Attorney General of the State of Oklahoma, and Oklahoma Secretary of the Environment, C. Miles Tolbert, in his capacity as the Trustee for Natural Resources for the State of Oklahoma under CERCLA, (hereinafter "the State") and, respectfully moves for an extension of time within which to comply with the production obligations of the Magistrate Judge's Order [DKT # 1463] granting the motion to compel of Peterson Farms and to the Order [DKT # 1629] denying reconsideration. In support of this motion, the State shows the Court as follows:

1. Pursuant to the orders of the Magistrate Judge, the State is currently required to produce to Defendant Peterson Farms, Inc. (Peterson) certain documents for which it claims attorney client privilege and work-product protection and certain revised privilege logs on April 4, 2008. These orders are the subject of the State's Objection [DKT # 1659] and Motion to Stay [DKT # 1660] filed on March 27, 2008.

2. On April 2, 2008 the Court entered a minute order [DKT # 1662] directing Peterson to respond to the State's Motion to Stay by April 9, 2008, five days after the State is currently ordered to make its production under the Magistrate Judge's orders.

3. The date of production under the Magistrate Judge's orders has been the subject of an earlier motion to stay and for extension of time, which resulted in the current due date.

4. The State's Objection [DKT # 1659] and Motion to Stay [DKT # 1660] recite the State's basis for its belief that it should not be required to make the productions required by the Magistrate Judge's orders, based upon its claims of privilege and work- product protection. If the State must produced its privileged and protected documents before its Motion to Stay is ruled upon, both its Objection and its Motion to Stay will be rendered moot, and the State will be deprived of any opportunity for meaningful review of the Magistrate Judge's orders, and will be prejudiced as a result.

5. Counsel for the State has requested counsel for Peterson agree that the State need not make production of its privileged documents before Peterson responds to the State's Motion to Stay and the Court rules thereon. Peterson does not agree to this proposal.

6. Granting this request will not impact the scheduled trial or other deadlines in this case.

7. A proposed order is being submitted pursuant to the ECF Policy Manual.

WHEREFORE, the State requests an extension of time of thirty days from and after April 4, 2008, or until May 5, 2008, or until such earlier date upon which the Court rules on its Motion to Stay, within which to produce documents and a revised privilege log as required by the orders of the Magistrate Judge.

Respectfully Submitted,

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